IN THE COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 216 OF 1995

Rajendra Mallu Jilkar . ...Petitioners
vs.
1. Ashok G. Railkar and Ors. ...Respondents

Navin B. Shah for the petitioner.
Y.M. Nakhwa, Public Prosecutor for State.
B.B.Parekh with A.W.Ansari for Respondent nos.1 & 2.

CORAM: S.C. DHARMADHIKARI, J,

7th February, 2007.

P.C :-

1. Mr.Shah, appearing for the petitioner original complaint has tendered an Affidavit of the petitioner which records receipt of a sum of Rs.5 lacs in cash and Rs.1,50,000/- by cheque. Thus, it confirms the receipt of the total sum of Rs.6,50,000/-. The said Affidavit is taken on record and marked ‘X’.

2. Criminal Revision Application No. 216 of 1995

is disposed off in the light of this Affidavit and the offence under Section 138 of the Negotiable Instruments Act stands compounded. The orders under challenge in this Revision Application are substituted accordingly.

3. There is an application made for speaking to the minutes of the order dated 16.1.2007. Mr. Shah states that the applicant original complainant has initiated civil proceedings against the respondent which are pending.

4. Mr.Parekh appearing for Respondent Nos.1 and 2, clarifies that the only proceeding which was pending was a Company Petition for winding up which has been disposed off and the Liquidator stands appointed. The respondent no.2 company has been wound up.

5. Needless to state that my order dated 16.1.2007 as also the one passed today would not prejudice the rights of the parties to the Company Petition and proceedings before the Liquidator. All

claims lodged before the Liquidator shall be processed on merits and in accordance with law. The order dated 16.1.2007 and observation made therein is for the purpose of disposal of the present Revision Application and the proceedings under Section 138 of the Negotiable Instruments Act and they shall be confined to the same. Application for speaking to the minutes is disposed off.

sd/-

(S.C.DHARMADHIKARI, J)